

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
RQ INNOVATION, INC.,

Plaintiff,

-against-

CARSON OPTICAL, INC. AND RICHARD
CAMERON,

Defendants.

-----x
AMON, United States District Judge:

Plaintiff RQ Innovation, Inc. brought an action against Carson Optical, Inc. and Richard Cameron (collectively, “Defendants”) on July 3, 2019 (D.E. # 1 (“Compl.”)) alleging that Defendants infringed its registered trademark, in violation of 15 U.S.C. § 1114(1); violated federal prohibitions on false designations of origins, 15 U.S.C. § 1125(a)(1)(B); engaged in unfair competition under common law; and committed unfair and deceptive trade practices in violation of New York General Business Law Section 349. (Compl. ¶¶ 42–69.) Plaintiff filed a motion for a temporary restraining order and preliminary injunction, seeking to restrain and enjoin Defendants from dealing in any products or advertisements bearing Plaintiff’s trademarks, otherwise infringing Plaintiff’s trademarks or other rights, or “engaging in any act” likely to cause confusion among the consumer public as to Defendants’ products’ origins or affiliations with Plaintiff. (D.E. # 2 at 2.) The Court referred this motion to the Honorable Ramon E. Reyes, Jr., for a Report and Recommendation (“R&R”). (D.E. dated 7/29/2019.) Magistrate Judge Reyes issued a thorough and well-reasoned R&R recommending that the Court deny Plaintiff’s motion for injunctive relief. (D.E. # 17.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. Accordingly, the Court denies Plaintiff’s petition for injunctive relief.

SO ORDERED.

Dated: September 11, 2019
Brooklyn, New York

s/Catol Bagley Amon

Carol Bagley/Amon
United States District Judge